

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------|---|------------------------------|
| In re Application of: |) | |
| |) | |
| Yoshiaki MORIYAMA et al. |) | Confirmation No.: 3429 |
| |) | |
| Application No.: 09/851,391 |) | Group Art Unit: 2132 |
| |) | |
| Filed: May 9, 2001 |) | Examiner: Benjamin E. Lanier |
| |) | |
| For: COPYRIGHT PROTECTING |) | |
| METHOD, RECORDING METHOD, |) | |
| RECORDING APPARATUS, |) | |
| REPRODUCTION METHOD AND |) | |
| REPRODUCTION APPARATUS |) | |

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment in response to the Office Action dated July 30, 2008.
2. Additional papers enclosed:
 - ☐ Drawings: _____ sheet(s) with _____ figure(s)
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|--|--------------------------|-------------------------------|
| <input type="checkbox"/> one month | \$ 130.00 | \$ 65.00 |
| <input type="checkbox"/> two months | \$ 490.00 | \$ 245.00 |
| <input checked="" type="checkbox"/> three months | \$ 1,110.00 | \$ 555.00 |

Extension of time fee due with this request: \$1,110.00.

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|----------------------------------|-------|-----------------------------|---------------|----------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 24 | minus | 30 | 0 | x \$52 each = | + \$0.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 8 | minus | 7 | 0 | x \$220 each = | + \$220.00 |
| [] First presentation of Multiple dependent claim(s) | | | | | \$390.00 | + \$0.00 |
| SUB-TOTAL = | | | | | | \$220.00 |
| Reduction by ½ for filing by a small entity | | | | | | - \$0.00 |
| TOTAL FEE = | | | | | | \$220.00 |


6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☐ Enclosed is a check in the amount of _____ for then additional claim fee.
- ☒ Total Fee: \$1,330.00 (\$1,110.00 for the Three-Month Extension of Time Fee and \$220 for the additional claim fee) is to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.**
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Date: January 30, 2009



Joseph J. Buczynski
Reg. No. 35,084

CUSTOMER NO. 55694
DRINKER, BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209
Tel: (202) 842-8800
Fax: (202)-204-0289